

1 2. **ISSUE: IMPROPER CAMPAIGN DIRECTIVES BY DAVE HENDERSHOTT**
2 **AND OTHERS, 2000 AND 2004 – SUBJECT: HENDERSHOTT**
3 (Munnell Memo p. 12)
4

5 **Chief Deputy David Hendershott**

6
7 H2A. Allegedly, in or about 2000, Chief Deputy David Hendershott enlisted Rollie
8 Seebert and Sgt. Leo Drivinhawk to surreptitiously videotape persons
9 attending a campaign meeting for Sheriff's candidate Jerry Robertson, and had
10 Lt. Ray Jones function as an attendee of the meeting.

11
12 H2B. Allegedly, in or about 2004, Chief Deputy David Hendershott asked Steve
13 Werner and Scott Freeman to attend a retirement party/campaign event for
14 Sheriff's candidate Dan Saban, and report back to him what they heard and
15 observed.
16

17 **MUNNELL'S WRITTEN ACCOUNT**

18 **More examples of improper campaign activity by Dave Hendershott**

19
20 Sheriff, just as Richard Nixon did not need the help of the Watergate conspirators to win his
21 election, you did not need the ill-advised SCA funded smear video to win yours. You are and
22 always have been a very popular Sheriff and have proven to be a very formidable candidate for
23 anyone who ever challenged you. However, that fact never seemed to occur to David Hendershott
24 who has always risked your candidacy and bad publicity by attempting unethical and embarrassing
25 campaign dirty tricks on your behalf.
26

27
28 One such example is the 2000 election against Sheriff's candidate Jerry Robertson. In an attempt
29 to identify Sheriff's employees who supported Robertson, Hendershott enlisted Deputy Chief
30 Rollie Seebert and Sergeant Leo Drivinhawk to secretly take video footage of persons attending a
31 campaign meeting that was held at the F.O.P. Lodge Five Hall in Phoenix.

32
33 Hendershott arranged for a recreational vehicle from a local businessman/posse member and
34 Seebert and Drivinhawk parked the vehicle across the street from the F.O.P. hall at a nearby
35 bowling alley parking lot. The pair then proceeded to videotape everyone who attended the
36 meeting. Later when Seebert played the footage for Hendershott and pointed out that Lt. Ray
37 Jones was present, Hendershott laughed and said that he had arranged for Jones to attend as his
38 inside guy.

39
40 A second example is the 2004 elections against Sheriff's candidate Dan Saban. In this case,
41 Hendershott contact Deputy Chief Steve Werner and Deputy Chief Scott Freeman and again
42 wanted them to attend a campaign event to likely identify Sheriff's employees who were present.
43 However, both Freeman and Werner appropriately refused to be involved. When Werner called
44 Hendershott and told him that you were going to easily win the election and didn't need a "Back
45 Bag Operation", Hendershott became angry and called him a "Fucking Cunt." I know from
46 speaking with both of them at the time that Hendershott was very angry with them and both were
47 on the outs with him for quite some time.
48

49 **WITNESSES LISTED BY MUNNELL**
50

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
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April 11, 2011

1 Director Rollie Seebert
2 Sgt. Leo Drivinhawk (retired)
3 Executive Chief Scott Freeman
4 Director Steve Werner

Participated in surveillance of opponents.
Participated in surveillance of opponents.
DH requested he spy on Saban campaign event.
DH requested he spy on Saban Campaign event.

5
6 **NARRATIVE SUMMARY**

7
8 In 2000, Hendershott enlisted Deputy Chief Rollie Seebert and Sgt. Leo Drivinhawk to
9 secure secret video footage of persons attending a Jerry Robertson campaign meeting
10 held at the FOP Lodge to identify MCSO employees supporting Robertson. Lt. Ray
11 Jones attended the meeting as the "inside guy."

12
13 In 2004, Hendershott asked Deputy Chief Steve Werner and Deputy Chief Scott
14 Freeman to attend a retirement party/campaign event for Sheriff's candidate Dan
15 Saban, and report back to him what transpired.

16
17 **WITNESS ACCOUNTS**

18
19 **Frank Munnell**

20
21 2000 event. Munnell acknowledged that all information he has concerning these issues
22 came from Rollie Seebert. He has no firsthand knowledge concerning these events.

23
24 2004 event. Munnell indicated that the source of this information was Steve Werner.
25 Munnell denied having any firsthand knowledge of these issues.

26
27 **Scott Freeman**

28
29 2000 event. Scott Freeman has no information relating to this allegation.

30
31 2004 event. Freeman's account as to what transpired is as follows.

32
33 A: A couple of days before Saban's retirement party, Steve Werner came to
34 me and said, hey, Dave wants us to go to Saban's retirement. I said, that's
35 bullshit. I'm not going. And Steve, now Steve and I had kind of been the
36 designated go-to retirement Chiefs, you know. When Herb retired we'd go to that
37 one. It was always that kind. Steve and I were kind of the, you guys go do that
38 because I'm too busy. What conversation Dave had with Steve, I don't know.
39 Whether he asked him to go there and spy, or see who was there, or whatever. I
40 don't know. But I told Steve I don't want to go. And he begged me to go with
41 him, I don't want to go alone, please come, please come, you know, you and I
42 always do, you know, these retirement things. I said, I'll tell you what, you get
43 me an invitation to Dan Saban's retirement and I'll go. And he contacted Greg
44 Fowler. G.T. Fowler, currently the Chief of Police of (inaud.). But he was an
45 assistant Chief over at Mesa at the time. And friends of mine and Steve's. And

1 Steve told me that G.T. had invited. I said, fine. I'll go with you. So, we went
2 there and we sat with some members of Mesa PD. Steve Towland and G.T. was
3 at the table and a number of us. That particular day my wife was having a real
4 bad day being harassed by her boss. And she was texting me telling me that she
5 was going to end up having to quit. And I'm sitting in the middle of this thing
6 and I'm thinking, shit, I've got to get out of here, you know, that kind of thing. I
7 finally convinced Steve about half way through the thing we need to go. I need to
8 go deal with my wife. During the time we were there, a friend of Saban's got up
9 and told a story about Saban exposing himself to his, the speaker's five year old
10 or three year old son. How, he'd gotten out of the shower, or something. Just, it
11 was a, a story. It was subsequently investigated by Mesa PD, County Attorney.
12 But the room was full of Mesa PD, county attorneys, blah, blah, blah. So, when
13 we walked out I told Steve Werner, I said, today you're going to swear a blood
14 oath, you are never, ever, ever going to tell Dave Hendershott that we heard that
15 story. I will not have those poor guys in the Threats Units go through what they
16 went through with Saban's mother and that rape allegation. I'm just, we're not
17 going to do it. I don't care what it takes, Steve, but you are not going to share that
18 piece of information with Dave. Well, he found out about it later. But, as a result
19 of us leaving, we were ostracized for a good three months. And when I say
20 ostracized, I mean Dave wouldn't talk to us. He called Jerry Sheridan and told
21 Jerry Sheridan I don't want those guys having anything to do with the Sheriff's
22 campaign. I don't want them doing signatures. I don't want them having signs. I
23 don't want anything to do with them.... (p. 39, Exhibit II14a)

24
25 Scott advised that Hendershott would not talk to him for approximately three months.
26 The next night, there was a fundraiser in Paradise Valley for Sheriff Arpaio, and Warner
27 and Freeman went to the event. They were completely ignored. Freeman did say that
28 after Saban's retirement party, Hendershott did call him, or he called Hendershott, and
29 Hendershott asked what had happened at the retirement party. Freeman told
30 Hendershott that he and Werner had left early, and Hendershott was "absolutely
31 furious," and hung up on Freeman. (p. 42, Exhibit II14a)

32
33 Later, Hendershott accused him of being disloyal to the Sheriff, which Freeman strongly
34 contested. (p. 43, Exhibit II14a)

35
36 Sometime much later, Hendershott asked Freeman about the story where someone at
37 the retirement party had told a compromising story about Saban. Hendershott had
38 learned of this and learned that the Mesa Police Department was conducting an
39 investigation into possible indecent exposure. He believes that the investigation "went
40 away" because of issues with the statute of limitations.

41
42 **Brian Sands**
43

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April 11, 2011

1 2000 event. Sands has no firsthand knowledge about this. He does recall, vaguely,
2 receiving information about what occurred from Ray Jones, but denied having any
3 recollection of the specific information Jones provided.

4
5 2004 event. Sands denied having any information relating to this issue or the events
6 alleged.

7
8 **Don Schneidmiller**

9
10 2000 event. Schneidmiller has no first-hand knowledge concerning Hendershott asking
11 Seibert and Drivinhawk to video tape a Jerry Robinson campaign meeting, but he did
12 have his own story about what Hendershott had asked him to do.

13
14 A: Hendershott called me into his office and he called John Kleinheinz into
15 his office. He told me that at the FOP, Jerry Robertson, was going to be
16 announcing his candidacy for Sheriff, having a press conference, and that Rick
17 Romley was also going to be present and announcing his candidacy, I think, either
18 for County Attorney and/or his endorsement of Jerry Robertson for Sheriff. So
19 Hendershott tells me that, he actually hands me a piece of paper. And I can't
20 remember what it said, but he said, here's a list of the things that Robertson has
21 done wrong. These are some of the things that he needs to be questioned about
22 that led to him leaving the office.

23
24 Q: Wait a minute, whose office?

25
26 A: Our office.

27
28 Q: Okay, he was a former employee of the Sheriff's Office?

29
30 A: Former employee, yes. In other words, he says, go down, he goes, Don,
31 drive your personal car, it wasn't, would you please do this, this was, okay, here's
32 what we need you to do. You're going to go down there and you're going to take
33 your personal car, so nobody will see the government car in the parking lot, sit in
34 the audience, keep quiet, and when he opens up the floor to questions, make sure
35 the cameras are on, I want you to stand up and start hitting all these things, and
36 make sure you get through your list so everybody gets a chance to hear some of
37 the things that he was involved in. Some of the questionable behaviors and things
38 that paint unfavorably to his character. (p. 23, Exhibit II34a)

39
40 Ultimately, while Schneidmiller did attend the press conference, he did not ask any
41 questions, and felt somewhat humiliated that he had even been asked by Hendershott
42 to engage in the conduct. But when asked if a request had been made by Hendershott
43 to do this while he was in duty, Schneidmiller's response was as follows.
44

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1 A: I was on-duty when the request was made. But it was clear that I was to
2 be off-duty for, you know, show on my time sheet that I was off, and not go on
3 the taxpayer dime.

4 Q: Was the press conference during your normal work hours?

5 A: I believe it was. I remember being careful to put a chit in there and to
6 create a paper trail to show that I was off during that time. (p. 24, Exhibit II34a)

7
8
9 The request was made in Hendershott's office. When asked if Hendershott said, "We're
10 on break now," before he gave Schneidmiller the instructions, Schneidmiller's response
11 was as follows.
12

13 A: I don't recall. Those were meaningless to us though. I mean it was not
14 uncommon to take 15 breaks if a new issue came up. That was so ridiculous, that
15 exercise, of "we're on break" for the next sentence or two.
16

17 Q: Did he actually say that?

18 A: Well, he said that to me a bunch. Whether he said that then, I couldn't
19 say. (p. 25, Exhibit II34a)
20
21

22 After the Robinson press conference, Hendershott asked for a debriefing about what
23 had happened. Schneidmiller explained that there was an FBI Agent present, which
24 caught him off guard, and Hendershott "became infatuated" with the fact that the FBI
25 had people at a political press conference. Hendershott did not question why Don had
26 not followed Hendershott's instructions and asked him the embarrassing questions.
27

28 2004 event. Schneidmiller has no first-hand knowledge about this, but did received
29 information from Freeman and Werner, who Don characterized as good friends of his.
30
31

32 **Rollie Seebert**

33 2000 event. According to Seebert, Hendershott did ask Rollie and Leo Drivinhawk to
34 videotape who was going in and out of the facility where a campaign meeting was being
35 held for Jerry Robertson. They did what Hendershott asked, and later that afternoon
36 Seebert took the tape to Hendershott's house and they reviewed it. They took the video
37 from a camper that they obtained from Fox Rent-a-Car, a rental agency that was loosely
38 tied with Shirley Garner and Courtesy Chevrolet, which leased vehicles to MCSO.
39 Seebert took the video to Hendershott's home at approximately 4:30 to 5:00 o'clock in
40 the afternoon, where they viewed the video. The purpose of the recording was to
41 document what individuals were going in and out of the facility, including MCSO
42 personnel and other individuals. The work was done off-duty, and as far as Seebert
43 knew, they were not breaking any election or other laws by taking the videotape. He
44 thought that the event occurred on a Saturday, when both he and Leo Drivinhawk were
45

1 not working. He did not remember if, when Hendershott asked him to do this task,
2 Hendershott had called him into the office, or asked him to do so telephonically. As
3 Seebert put it,

4
5 Dave's way of talking about things like this, would be to call you in and say,
6 we're off on a break right now, and then talk about it. I don't recall that
7 happening in this particular case. Probably on the phone, but I don't know... (p.
8 25, Exhibit II36)

9
10 During the review of the video, Seebert brought to Hendershott's attention that
11 Lieutenant Ray Jones had attended the meeting, but Hendershott was aware of this,
12 and said that Jones was "our inside guy." (p. 25, Exhibit II36) Seebert does not know
13 what happened to the video tape.

14
15 2004 event. Rollie Seebert has no information relating to this allegation.

16
17 **Jerry Sheridan**

18
19 2000 event. Sheridan denied having any knowledge of these events, or of having heard
20 about them prior to the Munnell Memo.

21
22 2004 event. Sheridan indicated that, one evening, Hendershott called Sheridan, and
23 was "just absolutely foaming at the mouth" and screaming at Sheridan. In reference to
24 Warner and Freeman, Hendershott said, "Don't ever let them fucking help with anything
25 on this campaign ever fucking again." Hendershott said that Warner and Freeman
26 wouldn't do what he wanted them to do, so "fuck them." (p. 15, Exhibit II37) In response
27 to inquiries from the team, Sheridan understood to mean that Freeman and Werner
28 were not going to be among the "trusted loyal guys" they were not going to be working
29 on the campaign, and they were not "going to get the windfall of that either." (p. 15,
30 Exhibit II37)

31
32 Sheridan indicated that Hendershott did not go into detail about what Warner and
33 Freeman had failed to do that he had asked them to do. Sheridan's comments about
34 what happened in this telephone conversation with Hendershott was as follows.

35
36 A: ... He did say that part, but whether he got into exactly what it was, he
37 was really frickin' mad. And I don't know if you're going to get a sense of when
38 Dave gets angry, after talking' to all of us, how angry an individual, how ugly an
39 individual could be, but you probably will. You just want to get off the phone.
40 You don't want to ask questions or linger and chit chat. Even though he wasn't
41 mad at me. (p. 16, Exhibit II37)

42
43 Later, Sheridan had the opportunity to speak with Freeman and Warner about what had
44 occurred, and they told Sheridan that "they wouldn't do it, they wouldn't go snitch on
45 Saban." (p. 17, Exhibit II37) He believes that specifically, they did not surreptitiously

1 tape record the event for Saban, and as Sheridan put it, "Dave was always famous for
2 sending people to an event to tape it, and that's what I remember them, with a mission
3 to go tape this thing." (p. 17, Exhibit II37) Sheridan indicated that at this point, he is not
4 exactly sure what Warner and Freeman didn't do that Hendershott asked them to do,
5 but he believes it had to do with the recording, either they recorded it and didn't give the
6 tape to Hendershott, or they decided not to record it. The bottom line, according to
7 Sheridan, is that "they didn't give Dave what he wanted." (p. 17, Exhibit II37)

8
9 **Steven Werner**

10
11 Werner acknowledged that in 2004, Chief Hendershott asked him and Scott Freeman to
12 attend a retirement party for Dan Saban. According to Werner, it was common
13 knowledge that Werner had a professional relationship with Dan Saban and had even
14 dated someone Saban knew. Chief Hendershott, aware of Werner's relationship with
15 Saban from Mesa PD, came to Werner's office and told Werner that he wanted him to
16 attend Dan Saban's retirement party, which Werner had not yet been invited to attend.
17 Werner explained that he and Scott Freeman had represented MCSO at many funerals
18 and retirements as a professional courtesy. Hendershott told Werner that he wanted
19 Werner to find take note of who showed up at the event and to see if the party had
20 anything to do with Saban's campaign. Freeman and Werner went to Mesa to attend
21 the party. Werner explained that there were a lot of his friends in attendance from Mesa
22 PD, including Captain Lynn Adams, whose daughter is Werner's goddaughter. He
23 explained that both he and Freeman were "disgusted" with their assignment and said
24 that as he and Freeman approached their table, next to the table of Captain Adams,
25 facetious comments were made to Freeman and Werner to the effect of, "Oh, spies are
26 here." They stayed for approximately 1½ hours and then left, but Werner said they
27 were very quiet and uncomfortable on the way home.

28
29 Later that night, Chief Hendershott called Werner at home and asked him what
30 happened at the retirement party. Werner told Hendershott, "Hey Chief, our guy is so
31 good, our guy's so great. I mean, we don't need to do this black bag bullshit," referring
32 to Sheriff Arpaio. Hendershott proceeded to scream vulgar comments at Werner and
33 told Werner, "Oh, you are nothing but a fucking cunt!" Freeman and Werner then spoke
34 with each other 15-20 minutes later and Werner learned that Freeman received the
35 same call from Hendershott. Werner then received a call from Jerry Sheridan, who
36 Werner had learned to trust during his MCSO career. Sheridan asked Werner, "What
37 did you do?" because Hendershott had called Sheridan and told Sheridan that Werner
38 and Freeman were in on the Saban campaign and Hendershott told Sheridan that
39 Werner and Freeman were "blackballed" and not to be trusted.

40
41 **David Hendershott**

42
43 2000 event. Hendershott's comments relating to this allegation are as follows.
44

1 A: Totally true, not illegal at all. No conversations on duty, it's our right to
2 be involved, and anybody that's been involved in politics in the last thousand
3 years knows you always put what is termed a "shill" inside the other guys camp
4 trying to get him saying, quite frankly catch him saying something stupid and then
5 you use it against him to win the election. The motor home that he refers to that I
6 arranged, they arranged it, it was Leo's old fishing RV and it specifically wasn't
7 to look for employees, specifically there's a term called "smurfing" and what you
8 do is and this is a political strategy, let's say that the Sheriff has a fundraiser and
9 it's out at, I don't care, I don't know, JR's Corral. Okay what you would do is
10 let's say the fundraiser's a hundred dollars a head and it's very important to
11 political campaigns to understand the financial strength of people and when it
12 occurs so what you would do is you would stick somebody out there and you
13 would count heads and in really large fundraisers where it's not practical you
14 would count cars. Then what you do is you take the amount of money raised that
15 shows up on the report and see how it matches the crowd count. Now why that's
16 important is, I'll give you an example in this specific case, it was as I recall it was
17 a very low entry fee and I don't even begin to recall how many people walked in
18 the door.

19
20 Q: You're talking about the event for Robertson?

21
22 A: Yes, sir. I don't, I mean it's a fairly small parking lot, it's a small hall I
23 don't remember there being hundreds and hundreds of people there but at twenty
24 five dollars a head, let's just say for the example, if Robertson holds a fundraiser
25 for a hundred dollars a head okay? And ten people walk into the place that's a
26 thousand dollars, okay on the average that he reports on that day but if he reports
27 ten thousand dollars then he's made a lot of money and he brought it in and
28 perhaps he says he got it in cash well that's called smurfing, is the term for it.
29 This has happened in every election as a matter of fact I mean Carl Rove in his
30 book actually talks about the importance of learning what your candidate says
31 because generally a candidate at his fundraiser place the crowd almost universally
32 makes extraordinary stupid statements and those are statements that can be used
33 against him in the election, okay? (p. 2, Exhibit II16c)

34
35 Hendershott claims that the request to Seebert, Drivinhawk and Jones did not occur
36 while they were on duty, and there was no County equipment used in this effort. He
37 asserted that the video recorder that was used was not County equipment. Hendershott
38 did review the videotape after the campaign event, and when asked whether he
39 reviewed in on County time, he said that he probably reviewed it during the lunch hour,
40 while acknowledging that he did not really recall. He did not remember whether he
41 reviewed the videotape in the presence of Seebert or Drivinhawk. He did comment
42 that Seebert and Drivinhawk did not know that he had asked Ray Jones to attend.

43
44 2004 event. When asked whether Hendershott had asked Werner and Freeman to
45 attend a retirement party/campaign event for then Sheriff's candidate Dan Saban, and

1 report back to Hendershott about what they had heard and observed, Hendershott's
2 comments were as follows.

3
4 A: No, let me put down, let me tell you exactly what happened. Steve
5 Werner, Dan Saban was retiring his official department retirement party where all
6 law enforcement come and you know it's kind of a standard. Steve Werner
7 through the years was a very good friend of Dan Saban and was his roommate
8 while during the college years so, Steve came to me and said and this is during the
9 time that he was already announcing for Sheriff, he said hey you know I'd really
10 like to go to Dan Saban's retirement party but Steve was sensitive to the issue that
11 you know he was running against the Sheriff and he didn't want any grief. He
12 didn't want to upset anybody and people are human, if the Sheriff sees a guy at a
13 campaign fundraiser that's one thing but going to his official retirement party, if
14 you know the guy, you know the guy. So what I did, cause he was nervous, I
15 asked Scott Freeman if he would go to the retirement party with Steve. Now I
16 will tell you that that really is, and it wasn't a campaign party, let's make this
17 clear, it wasn't his campaign at all it was his, his office gave him awards and
18 neighboring police departments gave him plaques. It's the, you know, where you
19 get the most plaques you've ever go in your life on the same day. I mean that's
20 the, you know, we could build a Chris Craft out of the plaques. Now when, I will
21 tell you though, when they came back, and why it's important is this was the
22 retirement party where Dan Saban basically told everybody, or Dan Saban's
23 friend, Rick Davis, told everybody that he had, that Saban had exposed himself I
24 don't know five year old son or whatever and this, I don't want to get far field but
25 that's what led his agency to start an investigation on him. All that has come out
26 in the trial and I will tell you to this day that issue has clearly, I mean if you listen
27 to the tapes I think that job insufficient as for how it was investigated but let's just
28 stay away from that whole issue. (p. 4, Exhibit II16c)

29
30 When asked whether he had asked Werner and Freeman to report back to him, the
31 conversation was as follows.

32
33 A: No, they just came back to me.

34
35 Q: So you didn't ask them?

36
37 A: No. I said how did it go? I mean you know I don't know what I said to
38 them but I might have saw them in the hall and said hey, how did it go or you
39 know I mean I don't remember that but I don't think that's a big deal if I said
40 something like how did it go. I mean they certainly weren't there for any political
41 purpose.

42
43 Q: You've characterized this as a retirement party, was there some mention
44 during the course of that party as you understand about Saban's intentions to seek
45 the office of Sheriff?

1
2 A: Well...

3
4 Q: From what you've understood?

5
6 A: You know what, I viewed the retirement party on YouTube. Somebody
7 had taken video of it. Was it YouTube, I don't know. Nobody that I asked to
8 videotape okay, it was either through, I'm sorry it was through the lawsuit we
9 obtained a video of the retirement party that Saban had took and he produced
10 during the discovery and during the, I would say ninety five percent of the day it
11 was strictly agencies and all that. Right near the end of the day there was I don't
12 know some people that were, my perception was is they were probably helping
13 him with his campaign and he they kind of tagged the end of it with and let's all
14 get behind Dan to run for Sheriff. And of course that was very uncomfortable for
15 everybody in the room. You know, I would feel uncomfortable about that,
16 because that's not what the party was for and in all honesty from looking at the
17 tape I don't even think Dan Saban knew that would be said. I think it was just
18 one of his supporters that didn't understand the separation. (pp. 4-5, Exhibit
19 II16c)

20
21 Hendershott indicated that Werner and Freeman reported back to him about what had
22 occurred. He did acknowledge asking Freeman to go with Werner, to support Werner,
23 who, according to Hendershott "tends to be a little bit of a nervous Nelly." (p. 5, Exhibit
24 II16c) The following discussion took place in the interview relating to this issue.

25
26 Q: I'm a little bit unclear as to why Steve would need to have some support at
27 that retirement party.

28
29 A: Well that was my impression that he was worried because of his friendship
30 and I thought he'd feel better if somebody went with. It could have been
31 Freeman, it could have been Churay, it could have been anybody but a senior. I
32 certainly wasn't going to go, okay. The Sheriff certainly wasn't going to go so
33 frankly I think Scott was the guy that walked by next, you know. So not a big
34 deal, just a standard retirement party and the only thing big out of that was Davis'
35 revelation? (p. 6, Exhibit II16c)

36
37 In the final interview of Hendershott, he was asked again about what had occurred, and
38 whether he was upset with Werner or Freeman in any way. His responses were as
39 follows.

40
41 Q: The next issue is really one that we talked at length about and there
42 was just a specific comment that was attributed to that I did not ask you about,
43 and this has to do with that 2004 event that was I believe Saban's retirement
44 party. Do you remember our discussion about that and the fact that Werner and
45 Freeman were in attendance at that meeting?

1
2 A: Yes, go ahead.

3
4 Q: Alright, I just wanted to make sure we were on the same page as to what
5 we were talking about, well anyway, from what I understand from Steve Werner,
6 he said that after that particular event he had a discussion with you and he told
7 you that you know Sheriff Arpaio was going to easily win the election and that
8 really didn't need to have a black bag operation such as what you were asking, or
9 you had asked Werner and Freeman to do. Do you remember Werner...

10
11 A: ...wait a minute, first off let me go back, Keith.

12
13 Q: Sure.

14
15 A: Steve Werner approached me and said that he wanted to go to Dan
16 Saban's retirement party because he and Dan Saban were roommates and he had
17 known him for the last 30 years and I said sure you can go and then I said why
18 don't you take Scott with you okay, and they went, they came back the only thing
19 that I remember anybody saying was about this thing about Saban showing his
20 genitals to a little kid. And that it was a very unsettling to happen, okay that's it.
21 I don't what your, you know, I don't where Werner's coming off at all, it doesn't
22 make any sense to me. I don't, first off, I don't remember any conversation other
23 than, they came back and out of it they told me about this, these statements that
24 were made about Saban's past.

25
26 Q: Are you sure it was them that made those statements to you or could it
27 have been somebody else?

28
29 A: No, I'm pretty sure it was them because they would have been the only
30 one there. I mean nobody else from our office went.

31
32 Q: Alright. Was there any point in time in the aftermath of that particular
33 sequence of events where they attended this retirement party that you were upset
34 with Werner or Freeman?

35
36 A: Absolutely not, you know I said Steve, you've known the guy for 30
37 years, go ahead and go and I said why don't you bring Scott, and so they, you
38 know, and a lot of agencies will send representatives and all that kind of stuff. I
39 mean that's, that's it. And I don't Werner's getting all this other stuff because it
40 wasn't any kind of a, it was a retirement party hosted by the, you know I mean,
41 like the agencies, it wasn't a political fundraiser for Saban and you know who
42 knows what Steve's thinking. (pp. 19-20, Exhibit III 6h)